

Wednesday, March 14, 2018

Chair Lodge and Senate Judiciary Committee Members,

Attachment 3

First of all, thank you! Thank you for taking the time to listen to the voices of victim/survivors of drunk driving crashes. This is one of those groups or organizations we never really want to be a part of. We never want to have victim/survivor be attached to our name or who we are. Can we rise above that label? Absolutely! But no matter how many years pass, it will always be a part of our life story.

Thirteen years ago I was standing before a similar committee of senators to plead for the new law of making it a felony for a third time conviction of DUI. You listened and acted then and I'm asking you to do the same for us today. You will hear statistics from every corner of this issue, but I'm here today to put aside the statistics and put faces to real situations.

In July 2004, my good friend, her two children and I were traveling to Cascade on Hwy 20 between Star and McDermott roads, when the driver of a car crossed the center line and hit our vehicle head-on with an approximate impact of 120 miles per hour. My friend and the other driver were both killed and it left me and the children with multiple injuries.

The drunk driver had a blood alcohol level of .11. That may not seem that high compared to other cases you've heard about. However, this was not his first offense. He was a 12 time repeat offender and in fact was sighted for a hit and run incident just a few weeks before our crash, that involved friends of mine. The ripple effect of this crash alone has long lasting consequences. It's obvious that if this man would have had the benefit of an ignition interlock system it may have prevented his own death and the death and injury to others on multiple occasions.

I have been a massage therapist for almost 25 years and I'm also now a Life and Relationship Coach. Following the crash, which broke and injured both of my hands, I was told I would never be able to do massage again. Thankfully, that prediction never came true. But it took me almost 3 years of surgeries and rehab to regain my career. Since that time I have spent a lot of time and money in counseling and a few years ago was diagnosed with PTSD and although the therapy has helped greatly the ripple effect still continues.

You have an opportunity to change the trajectory of these ripples by implementing this new law. As you are well aware, just because someone is a first time offender, that does not mean it is their first time drinking and driving. It is only the first time they have been caught! It is a challenge for every one of us to do our part in eliminating this completely preventable crime. Thank you for stepping up, facing the challenge and passing this new law today!

Cindy K. Penner

“Mr. (or Madam) Chairman, members of the Committee, my name is Pam Seiders and I am from Fruitland. I have spent my entire adult life in Idaho and it is time to make Idaho a safer place for all families. ~~What I am holding up for you are the only items that we could salvage from the trunk of my daughter Jennifer's car after a drunk driver slammed into her on I84.~~ *my daughter Jennifer* She was going the speed limit in the left hand lane when a woman who blew over twice the legal limit hit her going at an excessive rate of speed, which they could not calculate because the drunk driver never once touched the brakes of her car. My daughter was sent spinning across all four lanes of traffic and slammed into a concrete barrier.

I got the call that night and rushed to the hospital, not knowing what I would find. You know those big huge billboards we have on our highways that tell us important information like icy roads be careful? This sign read “Severe accident ahead, expect long delays.” I had to drive through that to get to my severely injured daughter. It took a doctor over two hours to just catalog all of her injuries, many of which she will live with for the rest of her life, including a traumatic brain injury. She was a high honors student at the university, a researcher and working hard to become a neuro-psychologist. In the greatest irony of all, she was working on research for Fetal Alcohol Syndrome at the time of the crash. That night my daughters dreams were shattered along with her body.

When you are a mom and your child is injured, no matter what age they are, the only thing you want to do is hold them in your arms and make it all better. It was two weeks before I could hold my daughter in my arms, for there was no where she was not injured and hurting. The insurance adjustor looked at her car and said he only had two questions. One, was the driver killed? I told him no she had survived. He then asked me if she was a quadriplegic, and I said no, why would you ask that? He stated that in the over thirty years he had been an adjuster he had seen many cars where the headrest and seat were snapped in half like my daughters, but all of them were either killed or quadriplegics. In that moment I felt lucky she was alive, though I had no idea of the pain she was going to go through.

And it Never should have happened. The drunk driver had previous convictions, and while on probation for what she did to my daughter, she was arrested drunk in a vehicle again. Her vehicle, that did Not have ignition interlocks. How is it that repeat offenders continue to be allowed to get behind the wheel of a car and use it to kill and maim the ones we love? We have the

technology to end this travesty, it is called ignition interlocks. And yet it is not being utilized.

Each month I speak at a Victim Impact Panel, to 30 to 50 people who have been convicted of drinking and driving. Each month I ask the participants to raise their hands if they have ignition interlocks. Each month fewer than 3 hands are raised, and this last month, there were ZERO persons with ignition interlocks, in a room full of convicted drunk drivers. Yet over 35% were repeat offenders with 2 to 6 repeat offenses in that room alone! I'm not talking about statistics across our country, I am speaking to the problem here in Idaho, the problem that I see over and over each month. And you have the power to impact this problem of drunk driving today.

I don't want your children to endure what my daughter has and will continue to live with. My daughter was given a life sentence by a drunk driver, sentenced to a life of pain, seizures and medical uncertainties. And it never would have happened if Ignition Interlocks had been ordered and on the drunk drivers vehicle. Don't let another child suffer at the hands of a drunk driver, I don't want them or you to have to live thru what my daughter and my family have had to endure. Please vote yes for ignition interlocks before another family has to suffer. Thank you.



Frank Harris
Director of State Government Affairs
Mothers Against Drunk Driving
Testimony in support of House Bill 551
Senate Judiciary and Rules Committee
March 14, 2018

Thank you Chair Lodge, and members of committee for allowing me to testify in support of H 551. My name is Frank Harris, and I am the Director of State Government Affairs for Mothers Against Drunk Driving.

MADD believes H 551 will save lives by significantly strengthening Idaho's drunk driving law. According to the National Highway Traffic Safety Administration (NHTSA), in 2016 10,497 people died nationwide in traffic crashes caused by drunk driving. In Idaho, 77 people died in drunk driving crashes in 2016 representing 30 percent of all traffic deaths. **According to NHTSA, drunk driving deaths in Idaho increased by 45 percent from 2014 to 2016. This news should concern everyone in Idaho.**

Ignition interlocks are the only technology proven to protect the public and the driver because a driver impaired by alcohol cannot start the car. Interlock devices have strong anti-circumvention features and require a deep lung sample. The offender is trained how to use the device to prevent circumvention attempts such as having a child blow into the device. The interlock acts as a virtual probation officer, checking the driver's breath before starting the vehicle and conducting "rolling retests," which require the driver to provide periodic tests at random intervals. Interlocks can come with cameras, GPS, and cellular real-time reporting.

Idaho is one of only two states in the country that does not allow for the use of interlocks for first offenders. Thirty states and Washington D.C. have laws like H 551 requiring or incentivizing these devices for all drunk drivers — including Utah, Nevada, Oregon and Washington. H 551 will have the effect of these lifesaving laws, while retaining judicial flexibility. Under this proposal, Judges must order interlocks for all first-time convicted drunk drivers for a period of one year unless there are mitigating circumstances.

Recent studies on ignition interlock laws show that laws like H 551 save lives and reduce drunk driving deaths by 15 percent. H 551 would substantially improve Idaho's drunk driving laws. Currently, Idaho limits the use ignition interlock devices to repeat offenders.

Even with Idaho's limited ignition interlock law, these devices have stopped over 6,200 attempts to drive drunk from December 1, 2006 through December 1, 2017. **It is certain that many more thousands of attempts to drive drunk will be stopped by enacting this lifesaving proposal.**

H 551 allows drunk drivers an opportunity to drive, while utilizing technology that is proven to reduce recidivism by 67 percent.

According to the CDC, a first-time offender has driven drunk at least 80 times before being arrested. Therefore, it is a myth that the first time a person is caught for drunk driving is the first time he or she drove drunk.

MADD supports H 551 and the use of ignition interlocks because driver's license suspension alone is no longer effective. Fifty to 75 percent of all convicted drunk drivers will continue to drive even on a suspended license. Since we know drunk drivers continue to drive, ignition interlocks ensure that they are driving sober and the public is protected. License suspensions alone cannot do this and prevent drunk driving crashes.

Research and data prove that a strong ignition interlock law, and not license suspension, is the best way to prevent drunk driving during the interlock period and also after removal. The Centers for Disease Control and Prevention have determined that ignition interlocks reduce DUI recidivism by 67 percent compared to license suspension alone. A 2010 study showed that interlocks reduce repeat offenses by 39 percent even after the device removed.

Widespread use of these in-car devices, which are about the size of a cell phone and prevent vehicles from starting if alcohol is detected on a driver's breath, is recommended by the Centers for Disease Control and Prevention, the National Highway Transportation Safety Administration and nearly every traffic safety organization, including AAA and the Governors Highway Safety Association. Enacting H 551 would be a major step toward saving lives and reducing repeat offenses.

According to the Idaho Department of Transportation, there are currently seven interlock vendors operating at facilities through the state. Availability and accessibility of these devices is not an issue. The drunk driver pays for the interlock, not the public. However, H 551 does allow for the use of preexisting indigent programs if a person is unable to afford the device.

Thank you for allowing me to speak today on behalf of Mothers Against Drunk Driving in support of H 551. Enclosed with my written testimony is more information on ignition interlocks. I welcome any questions you might have. Thank you.



Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.



All-offender ignition interlock laws stop drunk drivers with a blood alcohol concentration (BAC) .08 or greater from reoffending.

The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Thirty states, DC plus a California pilot program (covering a population of over 13 million) have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of August 2016, there are approximately 337,030 interlocks in use in the United States.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

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|------------------------------------|--------------------------------|---------------------------------|
| ✓ West Virginia: 52 percent | ✓ Louisiana: 39 percent | ✓ New Mexico: 24 percent |
| ✓ Arizona: 41 percent | ✓ Kansas: 29 percent | ✓ Hawaii: 23 percent |
| ✓ Mississippi: 39 percent | ✓ Delaware: 28 percent | ✓ Tennessee: 22 percent |

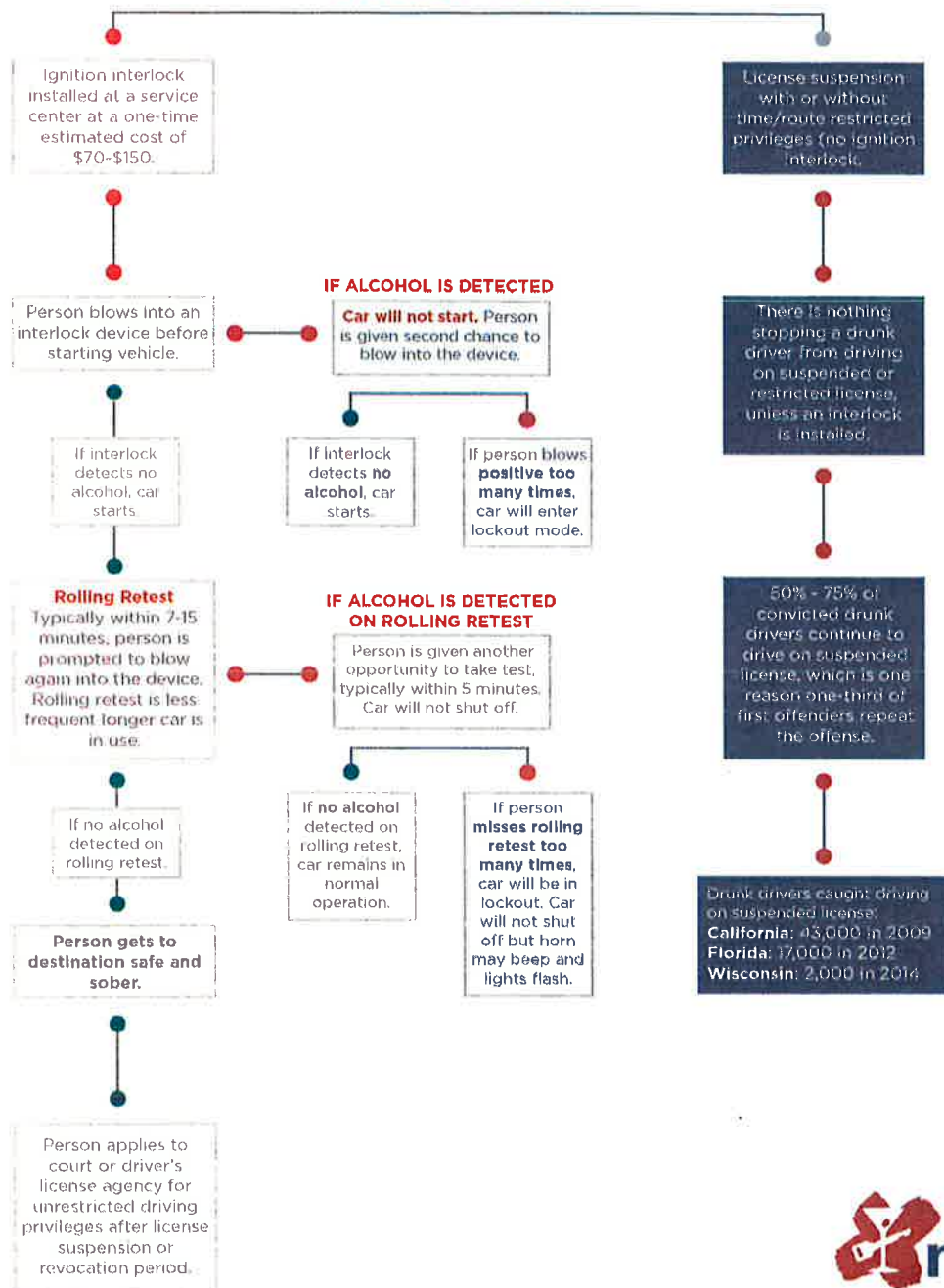
Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers, including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.

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| ○ Advocates for Auto and Highway Safety | ○ Insurance Institute for Highway Safety (IIHS) |
| ○ American Automobile Association (AAA) | ○ International Association of Chiefs of Police (IACP) |
| ○ Auto Alliance | ○ National Safety Council |
| ○ Centers for Disease Control and Prevention (CDC) | ○ National Transportation Safety Board (NTSB) |

Ignition Interlock vs. License Suspension After DUI



People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on Interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the Interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.

McGinty, Emma E. American Journal of Preventive Medicine, "Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013," January, 2017

- Ignition interlock laws reduce alcohol-involved fatal crashes. Increasing the spread of interlock laws that are mandatory for all offenders would have significant public health benefit.
- Laws requiring interlocks for all drunk driving offenders with a blood alcohol concentration (BAC) of .08 or greater were associated with a seven percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for first-time offenders with a BAC of .15 or greater were associated with an eight percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for segments of high-risk drunk driving offenders, such as repeat offenders, may reduce alcohol-involved fatal crashes after 2 years of implementation.

California DMV Study of Four-County Ignition Interlock Pilot Program, June 2016

- Ignition interlocks are **74% more effective in reducing DUI recidivism** than license suspension alone for first offenders during first 182 days after conviction.
- **Interlocks are 45% more effective** in preventing a repeat DUI incidence when compared to license suspension alone during days 183 to 365 after conviction. (Many first-time offenders have the device removed after 182 days of use.)
- Ignition interlocks are **70% more effective than license suspension** alone in preventing repeat offenses for second-time offenders, compared to license suspension alone, for the first 364 days of use.
- Interlocks are **58% more effective in preventing a repeat DUI incidence during days 365 to 730** days of use for second-time offenders.
- **Third-time offenders who only had a suspended license were 3.4 times more likely to have a fourth DUI** conviction or incidence compared to the interlocked offender group.
- Because interlocked offenders are able to be part of society and provide for their family by driving to work, grocery stores, restaurants and any anywhere else, their crash risk is most likely similar to the general driving population in California, but higher than offenders whose licenses were suspended or revoked and not permitted to drive.

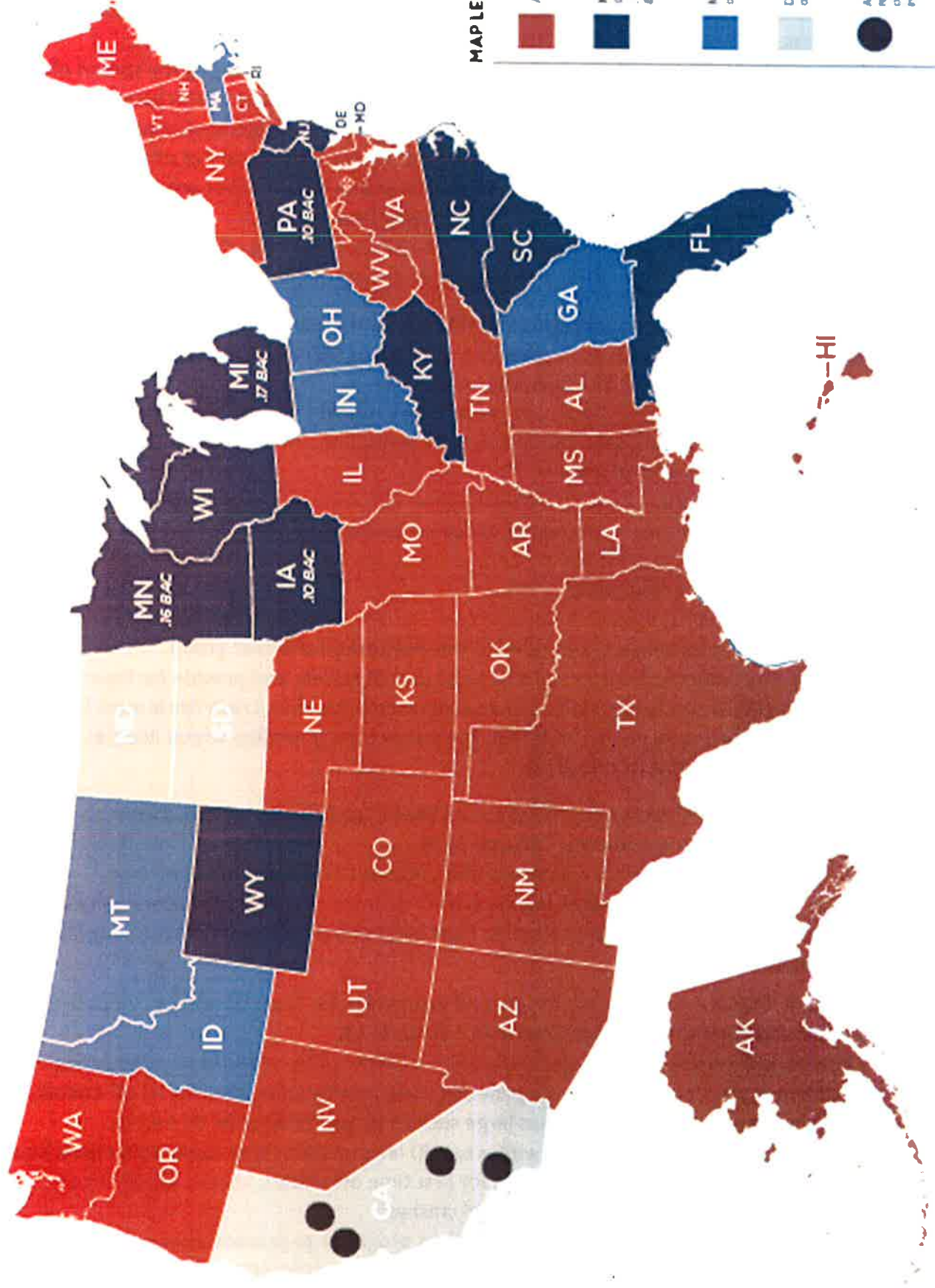
Kaufman, University of Pennsylvania, "Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States," March 2016

- DUI **deaths decreased by 15%** in states that enacted all-offender interlock laws.
- States with mandatory interlock laws saw a **0.8 decrease in deaths for every 100,000 people** each year – which is comparable to lives shown to have been saved from mandatory airbag laws (0.9 lives saved per 100,000 people).

Ullman, Darin F. International Review of Law and Economics 45, "Locked and not loaded: First time offenders and state ignition interlock programs," 2016, 1–13.

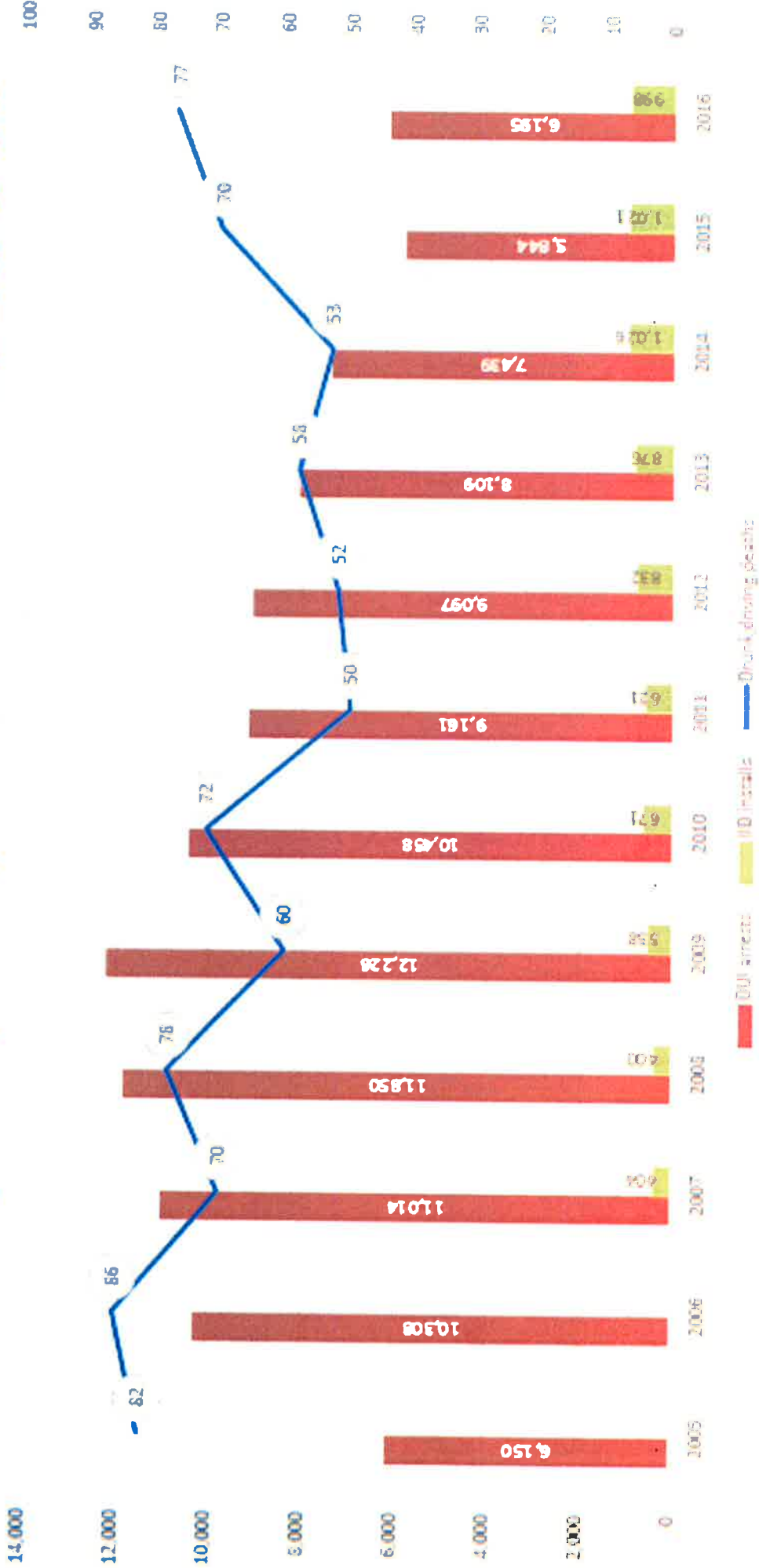
- The interlock program **should be applied to first time offenders** who are not just high-BAC offenders.
- Additionally, the interlock program provides a low cost solution, paid for by off-enders, to a dangerous and often fatal activity that imposes large social and economic costs on society.
- To maximize public health, states with weak IID laws or states that currently have no interlock program which require mandatory participation for first time off-enders, **should adopt strong IID programs** to prevent future costly alcohol-related fatal crashes.
- Results indicate that the potential for interlock programs to prevent alcohol involved driving and alcohol-related crashes is **most significant when the program is applied to a broader cross-section of offenders** and a higher proportion of offenders have the interlock device installed.

Status of Ignition Interlock Laws



FOR THAT WE COULDN'T SAY) WITH THESE WE HAVE AND TO THOSE WE SAY

Idaho Drunk Driving Deaths, Arrests, and Interlock Installs from 2005 to 2016



Source: Drunk driving deaths from NHTSA, DUI arrests collected by the FBI. Interlock installs come from data gathered by Dr. Richard Roth and TRF USA.

Drunk driving remains a big problem. From 2014 to 2016 in Idaho, drunk driving deaths increased 45.3 percent. Nationally, drunk driving deaths increased by 5.6 percent during this time period.